

Message Text

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ACTION IO-13

INFO OCT-01 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10

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TO SECSTATE WASHDC 8213

C O N F I D E N T I A L USUN 2804

E.O. 11652: GDS

TAGS: PFOR, UNSC, XF, LE

SUBJ: CIRCULATION OF LEBANESE AMBASSADOR'S LETTER TO
SECURITY COUNCIL PRESIDENT

REF: USUN 2756

1. THERE FOLLOWS THE TEXT OF THE OPINION PREPARED BY
THE UN ACTING LEGAL COUNSEL AND FORWARDED BY THE SECRETARY
TO THE SECURITY COUNCIL TO THE COUNCIL'S PRESIDENT ON 12 JULY.
COMMENT: THE WRONG QUESTION WAS PUT TO THE ACTING LEGAL
COUNSEL BY THE SC SECRETARY AND A BAD ANSWER WAS GIVEN.
END COMMENT.

2. TEXT READS:

QUOTE:

DEAR MR. PRESIDENT,

ON YOUR REQUEST, THE OFFICE OF LEGAL AFFAIRS HAS EXAMINED
THE FOLLOWING QUESTION: WHEN A MEMBER STATE ADDRESSES
A LETTER TO THE PRESIDENT OF THE SECURITY COUNCIL RE-
QUESTING ITS CIRCULATION AS AN OFFICIAL DOCUMENT OF THE
COUNCIL, WHO IS THE AUTHORITY TO DECIDE WHETHER THIS
REQUEST SHOULD BE GRANTED IF THERE IS A DIFFERENCE OF
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OPINION AMONG COUNCIL MEMBERS?

THE OFFICE OF LEGAL AFFAIRS HAS PROVIDED THE FOLLOWING
LEGAL OPINION: THE QUESTION OF OFFICIAL DOCUMENTATION OF
AN ORGAN OF THE UNITED NATIONS IS A MATTER OF PROCEDURE;
AS IN OTHER MATTERS OF PROCEDURE, ULTIMATE AUTHORITY LIES
IN THE HANDS OF THE ORGAN CONCERNED. NORMALLY, A COMMUNI-
CATION FROM A MEMBER STATE ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL, THE CIRCULATION OF WHICH AS
AN OFFICIAL DOCUMENT OF THE SECURITY COUNCIL IS REQUESTED,
IS IMMEDIATELY ISSUED ON THE AUTHORITY OF THE PRESIDENT
OF THE COUNCIL. SHOULD ANY DOUBTS CONCERNING A REQUEST
FOR CIRCULATION EXIST, IT IS FOR THE PRESIDENT TO EXERCISE
HIS DISCRETION. SHOULD, HOWEVER, AN OBJECTION BE RAISED
BY A MEMBER OF THE COUNCIL, ULTIMATE AUTHORITY TO DECIDE
THE QUESTION, LIKE OTHER QUESTIONS OF PROCEDURE, WOULD
SEEM TO LIE WITH THE COUNCIL ITESLF. WHILE NO RELEVANT
CASE HAS BEEN FOUND, IT WOULD APPEAR THAT THE PRESIDING
OFFICER OF AN ORGAN OF THE UNITED NATIONS COULD NOT INSIST
ON CIRCULATION OF A COMMUNICATION AS AN OFFICIAL DOCUMENT
OF THAT ORGAN, SHOULD THE ORGAN IN QUESTION TAKE A CONTRARY
DECISION.

PLEASE ACCEPT, MR. PRESIDENT, THE ASSURANCES OF MY
HIGHEST CONSIDERATION.

HEINRICH A. GLEISSNER
OFFICER-IN-CHARGE
DEPARTMENT OF POLITICAL AND SECURITY COUNCIL AFFAIRS.

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